

DECISION RECORD/FINDING OF NO SIGNIFICANT IMPACT  
for  
Commercial Day-Use Activities

EA-OR-020-99-024

INTRODUCTION: Following a 30-day comment period on the Commercial Day-Use Activities Environmental Assessment (EA) OR-020-99-024, the Burns District, Bureau of Land Management (BLM) is issuing a decision for a process to issue permits for commercial day-use activities on the Burns District. The decision is to implement the proposed action of the EA.

DECISION: Having considered a range of alternatives and associated impacts and based on the analysis in the Commercial Day-Use Activities EA, it is my decision to implement the proposed action which is a set of guidelines and stipulations that would improve BLM's ability to respond to the public need for short-term requests for special recreation permits for activities that are low impact in nature and generally involve the use of vehicles on main roads for the purpose of sightseeing, natural history, and environmental education. This decision pertains only to land administered by the BLM.

Rationale for Decision: I have selected the proposed action for the following reasons:

The proposed action provides for more efficient and timely service to the public.

It encourages greater compliance than is currently occurring.

It provides greater resource protection than currently exists because many of these activities are currently taking place without permits.

It provides for greater public safety.

It includes coordination with local government, tribal entities, private landowners and other State and Federal agencies.

Public involvement consisted of direct mailing to 11 individuals, organizations, tribes and agencies and notice in the local newspaper. I did not receive any negative comments during the Finding of No Significant Impact/EA review period. I received two comments supportive of the proposed action.

It is in conformance with Section 7(a)1 of the Endangered Species Act.

It is in compliance with the Three Rivers Resource Management Plan (RMP) (1992), the 1982 Andrews Management Framework Plan (MFP), and the Oregon BLM Wilderness Environmental Impact Statement (EIS)/Wilderness Study Report, October 1991.

It is in compliance with Federal laws that mandate the management of public land resources (Federal Land Policy and Management Act of 1976).

The decision does not result in any undue or unnecessary environmental degradation.

I have also considered alternatives to the proposed action including:

Alternative A. Alternative A proposes to continue to issue permits under the existing process. I did not select this alternative because it would not improve compliance for obtaining permits, it is not responsive to customer needs, and it does not address resource concerns.

Finding of No Significant Impact: Based on the analysis of potential environmental impacts contained in the EA and all other information, I have determined that the proposal and alternatives analyzed do not constitute a major Federal action that would significantly impact the quality of the human environment. Therefore, an EIS is not necessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed. The physical and biological effects are limited to the Burns District.
2. Public health and safety would not be adversely impacted.
3. There would be no adverse impacts to wetlands, floodplains, areas with unique characteristics or ecologically critical areas.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other projects that may be implemented in the future to meet the goals and objectives to the District's RMPs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.

8. Based on previous and ongoing cultural resource surveys, and through the mitigation of avoidance, no adverse impacts to cultural resources were identified or anticipated.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act was identified. If, at a future time, there could be the potential for adverse impacts, guidelines or stipulations would be modified or mitigated not to have an adverse effect or a new analysis would be conducted.
10. This alternative is in compliance with relevant Federal, State, and local laws, regulations and requirements for the protection of the environment.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal must be filed in the Burns District Office, HC 74-12533 Highway 20 West, Hines, Oregon 97738 by December 10, 1999. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition, pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted.
- (4) Whether or not the public interest favors granting the stay.

Signature on File  
Thomas H. Dyer  
District Manager

11/03/1999 \_\_\_\_\_  
Date